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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

No. CR 11-0488 RS

v.

**RULE 12.4 CERTIFICATION
OF ORGANIZATIONAL
VICTIM**

HOMY HONG-MING HSU,

Defendant.

Pursuant to Rule 12.4 of the Federal Rules of Criminal Procedure, the United States must provide the Court with a statement identifying the corporate victims of criminal activity. Fed. R. Crim. P. 12.4(a)(2). The United States must also provide certain ownership information concerning corporate victims to the extent this information is available through due diligence. Id. This information is intended to aid the Court in determining whether recusal is appropriate. See Fed. R. Crim. P. 12.4 advisory committee's note.

As the Court is aware, international antitrust conspiracies often affect hundreds if not thousands of corporate victims at various levels of the downstream market. The instant case is no exception. Hundreds of companies, both known and unknown, directly purchased aftermarket auto lights from the conspirators in this case during the conspiracy period and

1 hundreds more made indirect purchases that may have been affected by the conspirators'
2 activities. Even with the exercise of due diligence, the United States could not inform the
3 Court of the identity and ownership of all of these potential corporate victims. Based on the
4 information available, however, the United States has identified what it believes are the top
5 independent customers who purchased products from the defendant's employer in the United
6 States. Those customers are listed in Attachment A.

7 The United States believes that the attached list should allow the Court to make an
8 informed decision of whether it has any "financial interest in the subject matter of the
9 controversy." *Id.* (quoting Code of Judicial Conduct, Canon 3C(1)(c)) (1972)). If the Court
10 requires further information, however, the United States will of course do its best to supply
11 that information.

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13 DATED: July 29, 2011

Respectfully submitted,

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15
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